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May 7, 2002

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MAY - 7 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Affidavits submitted as attachments to InfoNXX, Inc.'s reply
comments *In the Matter of Provision of Directory Listing
Information Under the Telecommunications Act of 1934, As
Amended*, CC Docket Nos. 99-273, 92-105 and 92-237

Dear Ms. Dortch:

Please include the enclosed signed originals of the affidavits of J. Alfred Baird and Robert Pines in CC Docket No. 99-273, which were submitted as attachments to InfoNXX, Inc.'s reply comments on April 30, 2002. Copies of the signed affidavits also are being provided for inclusion in CC Docket Nos. 92-105 and 92-237.

Do not hesitate to contact the undersigned if you need additional information.

Sincerely,



Rachel C. Welch

Enclosures

RECEIVED

MAY - 7 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Provision of Directory Listing Information)	
Under the Communications Act of 1934,)	CC Docket No. 99-273
As Amended)	
)	
The Use of N11 Codes and Other Abbreviated)	CC Docket No. 92-105
Dialing Arrangements)	
)	
Administration of the North American)	CC Docket No. 92-237
Numbering Plan)	
)	
TO: The Commission)	

AFFIDAVIT OF J. ALFRED BAIRD

1. My name is J. Alfred Baird. I am a consultant to the telecommunications industry with an office located at 12405 Shari Hunt Grove, Clifton, VA 20124. I have been employed in the telecommunications industry for over 36 years, holding a variety of positions with both incumbent and competitive telecommunications providers. Most recently, I was Vice President of Access Policy and Planning for Pathnet, Inc., a competitive local exchange carrier (CLEC) and facilities-based provider of telecommunications transport services. In that position, I was responsible for directing the planning activities leading to the deployment of the first soft switch (Cisco VSC3000) into the public switched network. I was also responsible for formulating the company's interconnection policy and plans to connect Pathnet's backbone networks into carrier neutral and ILEC locations. On behalf of Pathnet, I worked with legal counsel to negotiate interconnection agreements with all the major incumbent local exchange carriers (ILECs) and some of the smaller ILECs in areas served by Pathnet.

2. Prior to joining Pathnet in May 1998, I was a Staff Director for Verizon, where I was responsible for designing and project managing all of the unbundled local loop offerings being provided to CLECs. Before Bell Atlantic merged with NYNEX, I was responsible for the design of Bell Atlantic's unbundled network transport, and for the design and project management of unbundled local loops, switching, and interim number portability. During my three decades at Bell Atlantic, I also held positions in Corporate Relations, Equal Access Planning (both local and tandem switch policy and planning), Toll Switching (tandem) project management, Toll Facility (transport) Engineering, Central Office (switching) Engineering, and Traffic Trunk Engineering. As a *manager* and Director in the above positions, I developed comprehensive knowledge of the functionality and interoperability of the switches being deployed in the Bell Atlantic network.

3. While employed at Bell Atlantic, I served at various times as Bell Atlantic's representative to various committees of the industry's Alliance for Telecommunications Industry Solutions (ATIS), including the Information Industry Liaison Committee (IILC), Carrier Liaison Committee (CLC), and the Industry Carriers Compatibility Forum (ICCF). The IILC and ICCF merged and were renamed the Network Interconnection Interoperability Forum (NIIF). Both the IILC and the CLC addressed issues relating to the assignment and implementation of 555 numbers to non-LEC information service providers. As an active participant in the IILC representing Bell Atlantic, I assisted in the development of the final resolution of this issue. *See* IILC Issue #046 (NIIF 0005), *Delivery of Intra-LATA (NPA) 555-NXX Dialed Calls to a Service Provider: Findings and Recommendations* (Final Closure Jan. 6, 1997) (copy attached hereto as Attachment A).

4. The purpose of this affidavit is to provide comments on the technical capability of ILECs to provide 555 interconnection and routing arrangements for non-LEC information service providers, including directory assistance providers, holding 555 numbers (hereinafter "555 Number Holders"). My comments build on the ATIS/NIIF document, *555 Technical Service Interconnection Arrangements*, ICCF 96-0411-014 (reissued Sept. 10, 1999) (*555 Interconnection*) (originally submitted to the Commission with *ex parte* letter of Gerard J. Waldron, Attorney for InfoNXX, Inc., to Ms. Magalie Roman Salas, Secretary of the Commission (May 24, 2001)).

5. Background. Historically, the 555 NXX has been used primarily for the provision of LEC directory assistance (DA) services, although some LECs have deployed additional 555 numbers for LEC services such as network outage reporting and service requests. In some cases, the LEC end office performs 3-digit analysis at the NXX level and routes all 555 calls to the Operator Switch/Access Tandem, while in other cases, the end office perform 7-digit analysis and routes 555-1212 calls to the Operator Switch and other 555 calls to an intercept announcement. Where the LEC has deployed for its own use 555 numbers other than 555-1212, either the end office switch analyzes the full 7-digit 555-XXXX number and routes the call or the end office switch routes 555-XXXX calls to the Access Tandem, which analyzes the XXXX digits and completes the call. For an interLATA 1+NPA+555-1212 call, the end office performs 3- or 6-digit analysis and routes the call, like any other interLATA call, to the customer's Presubscribed Interexchange Carrier (PIC). The interexchange carrier translates the number and routes the call to the appropriate terminating Access Tandem or Operator Switch as specified in the Local Exchange Routing Guide (LERG) or to its own Operator Switch, performing any

recording for billing purposes using the Automatic Number Identification information provided via the Feature Group D signaling.

6. Following a request from non-LEC information service providers for access to national and regional 555 numbers, the Industry Numbering Committee (INC) produced guidelines for the assignment of 555-XXXX numbers to non-LECs. See *ATIS/INC, 555 NXX Assignment Guidelines*, INC 94-0429-002 (originally issued in 1994, reissued April 10, 2000). Pursuant to the *555 NXX Assignment Guidelines*, national and regional 555 numbers were issued to a diverse array of information service providers and other entities.

7. ATIS/INC Technical Guidelines. Following the assignment of 555 numbers, the ICCF addressed the technical issues related to the activation and deployment of the assigned 555 numbers. The result was the *555 Interconnection* document, which sets forth the network functions required to enable 555 Number Holders to provide services falling into three broad categories: DA-like, 800-like, and 900/976-like. The *555 Interconnection* document explains that for each category of service, the following network functions are necessary to implement the assigned 555 number: (1) digit analysis and translation of the 555 number; (2) routing of the call; and (3) signaling. In addition to the network issues, the *555 Interconnection* document also addresses ordering, billing and blocking issues.

8. Digit Analysis and Translation. Translation consists of analyzing the digits of a dialed number to determine how to route the call to the appropriate destination (which may be a destination within the local exchange or a trunk group leading to an interexchange carrier who completes the call outside the local exchange). As the *555 Interconnection* document explains, translation of a 555-XXXX (or NPA-555-XXXX) number can take place entirely in the end office switch. However, if end office translation will require more switch memory than a LEC

has available, the end office need only perform a 3-digit or 6-digit analysis (of the NXX or NPA-NXX) to determine that a dialed number includes the 555 NXX. Once a 555 number is identified, the switch can route the call to a centralized Access or Local Tandem ("Tandem") switch (which should have sufficient memory to hold the necessary database) for translation. Where translation is performed in this Tandem, routing information associated with the dialed 555 number would be retrieved and provided to the network switch using either (1) Intelligent Network (IN) or Advanced Intelligent Network (AIN) capabilities or (2) routing functionalities such as those of Feature Group B (950-XXXX), which route the call based on the digit translation tables for the XXXX number.

9. Call Routing. Once a number is translated (either in the end office or Tandem) to determine the correct destination, the network switch routes the call accordingly. A 555 number would be routed to the location designated by the 555 Number Holder, which could be the point of presence (POP) of a designated interexchange carrier, the caller's PIC, or a termination point within the local network. LEC networks perform this type of call routing every day.

10. Signaling. Along with a call, telecommunications networks often utilize "signaling protocols" to transmit additional information about the call (such as Automatic Number Identification (ANI) information about the number from which the call is placed). For example, calls routed to interexchange carriers (through presubscription, Carrier Access Code (CAC) dialing, or 800/900 number dialing) include the dialed number (to enable the interexchange carrier's switch to correctly terminate the call) and the ANI of the calling party (to allow the interexchange carrier to bill the caller), which are transmitted through the Feature Group D signaling protocol. Certain services to be provided by 555 Number Holders likewise will require the originating LEC to transmit information necessary for billing and routing to the

carrier designated to complete the 555 call. Because this information is already included in the Feature Group D signaling protocol, the transmission of this information can readily be accomplished by using the Feature Group D signaling protocol for 555 calls. For intraLATA toll and local calls, the SS7 signaling networks widely used today by the LECs, have the capability to transmit the CNI (Calling Number Identification) of the calling number.

11. Analysis. Based on my extensive knowledge of LEC network architecture and functionality, it is my opinion that the required network features and functions described in the *555 Interconnection* document are readily available in most LEC networks today and can promptly be enabled, without undue expense, to translate and route non-LEC 555 numbers.

12. Most LECs already perform the 3-digit and 6-digit analyses necessary to recognize 555-XXXX and NPA-555-XXXX calls. LECs whose switches do not currently recognize 555 calls would need to "open" the 555 code in their end offices, but that should not impose a significant burden because ILECs open new codes in their end offices every day and there are simple processes in place for handling that operation. LECs could continue to route interLATA NPA-555-XXXX numbers to the caller's PIC, with 555 Number Holders responsible for ensuring that interexchange carriers properly route their interLATA calls.

13. Although some LECs do not now analyze the XXXX digits of a 555-XXXX number, but simply route all 555-XXXX numbers to the LEC's Operator Switch, it should be a relatively simple operation to update the end office switches so that they instead route all 555-XXXX calls to the Tandem for translation. An example of this type of number translation is the Feature Group B calling available through 950-XXXX numbers. Feature Group B was implemented in 1984 as a means of access for interexchange carriers to reach their interLATA customers prior to implementation of equal access (Feature Group D). As the Verizon

Telephone Companies Tariff F.C.C. No. 1, page 6-57, Section 6.2.2.A.4 describes, Feature Group B offers a "uniform access code," in the form of 950-XXXX, for interexchange carriers. In some cases the end office switch screens the XXXX digits to route the call, while in other cases the 950-XXXX number is screened and routed from the Tandem. Translation of 555-XXXX numbers could take place in much the same way.

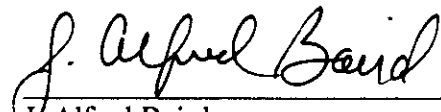
14. Once the Tandem analyzes the XXXX digits of a 555-XXXX number to determine the correct routing, the Tandem has the capability to route the call to the appropriate trunk group for the corresponding 555 Number Holder. Where the call is to be delivered to an interexchange carrier's POP, the preferred approach is for the 555 Number Holder to arrange for interLATA transport from the interexchange carrier. InterLATA routing through 800 number translation would be another option, but that approach could impose additional, unnecessary costs on 555 Number Holders.

15. Finally, as noted in the *555 Interconnection* document, the signaling protocol necessary to appropriately route and bill 555 services (including DA services), is already available in the network.

16. Conclusion. Based on the *555 Interconnection* guidelines already reached through industry consensus and the foregoing analysis, it is my opinion that 555-XXXX and NPA-555-XXXX numbers held by non-LEC users can readily be deployed in ILEC networks without undue cost or administrative burden. The code is open in most, if not all, ILEC switches, and Tandems have the capability to analyze and route calls based on the XXXX digits following the 555 NXX. The use of existing line class codes or construction of new line class codes can be accomplished readily, as it is with each new service deployed by the ILECs or for routing purposes. Finally, LEC switches have the capability to transmit necessary call

information through existing Feature Group D or local signaling protocols. Accordingly, there is no reason for the Commission to continue to permit ILECs to deny 555 Number Holders access to the valuable numbering resources assigned to them nearly a decade ago.

I, J. Alfred Baird, declare and affirm under penalty or perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


J. Alfred Baird

Executed this 30th day of April, 2002.

April 30, 2002

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
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Provision of Directory Listing Information)	
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TO: The Commission)	

AFFIDAVIT OF ROBERT PINES

1. My name is Robert Pines. I am the Chief Executive Officer and President of InfoNXX, Inc. ("InfoNXX"). Since co-founding InfoNXX in 1992, I have been intimately involved in all facets of the company's development. In my capacity as President of InfoNXX, I remain responsible for the management of all aspects of the company, including operations, product development, sales, finance and administration.

2. I received a Bachelor of Arts degree, *cum laude*, in Economics from Harvard College and a Masters of Business Administration, with honors, from The Wharton School of Business, University of Pennsylvania. Before founding INFONXX, I worked at Lehman Brothers in the Investment Banking department and at the management consulting firm of Corporate Decisions Inc., now part of Mercer Consulting. Since the founding of InfoNXX in

1992, I have acquired over ten (10) years experience in all aspects of the directory assistance business in the United States.

3. Founded in 1992 with the goal of offering a competitive alternative to the incumbent directory assistance provider, InfoNXX has been at the forefront of the development of competition in the wholesale directory assistance market. While InfoNXX initially served large corporate retail users, InfoNXX quickly realized that the retail customer base accessible to InfoNXX was limited and that significant growth opportunities were available only in the wholesale market. Accordingly, InfoNXX began providing DA services to wireless and competitive wireline carriers, and has grown into one of the largest competitive DA providers serving this market.

4. In just a decade, InfoNXX has grown from three employees to more than 2,050 employees, approximately 1,900 of whom work in InfoNXX's five call centers located in California, Arizona, Texas, North Carolina and the Philippines. InfoNXX is currently the second largest wholesale provider of enhanced directory assistance (EDA) service to the wireless industry, in addition to providing wholesale EDA services to a few select competitive local exchange carriers (CLECs). Through its wholesale arrangements, InfoNXX provides EDA services to approximately eighteen percent (18%) of the wireless subscribers in the United States. In total, InfoNXX provides EDA services to more than 200,000,000 callers per year.

5. In the decade since its founding, InfoNXX has been an innovator in the development of useful, customer-friendly information services that go beyond traditional directory assistance. InfoNXX has been a pioneer in DA innovations such as free call completion, category and "yellow page" searches, turn-by-turn driving directions, and information services including movie listings and show times, event information and ticket

purchases, and weather, sports and stock reports. In addition, InfoNXX offers TeleMasSM, a complete Spanish-language enhanced directory assistance service. Callers can access the TeleMasSM service through technology that requests the caller's language preference or through a unique 555 number (available via wireless phone in some markets) that routes callers directly to bilingual operators. Spanish language callers then have access to InfoNXX's full package of services, plus additional information (through a database currently in development) on businesses that can accommodate Spanish-speaking callers.

6. Wireless customers appreciate the enhanced services InfoNXX provides, and InfoNXX's wireless call volume has grown steadily from 59.5 million calls in 1998 to 171.3 million calls in 2001.

7. InfoNXX is eager to expand its enhanced information service offerings to wireline customers. As in the wireless context, InfoNXX will offer wireline customers a comprehensive package of enhanced information services that go beyond traditional directory assistance to serve the diverse informational needs of today's consumer. In addition to the information services described above and the TeleMasSM Spanish language service, InfoNXX plans to offer wireline and wireless customers alike its MobileSourceSM service, a "wireless white pages" service that will allow callers to reach wireless subscribers (whose wireless telephone numbers they do not know) while eliminating the three subscriber concerns with a wireless directory listing service: (1) maintaining number privacy, (2) maintaining control over use of the mobile telephone and (3) ensuring that calls from a wireless directory listing service are free to the recipient. MobileSourceSM will (1) protect the privacy of wireless subscribers by connecting callers to wireless subscribers without disclosing the subscribers' wireless numbers; (2) allow wireless subscribers to retain control over their phones by requiring callers to provide a voice

pre-announcement and giving the wireless subscriber the opportunity to accept the call, reject the call or send the call to voicemail; and (3) provide a "caller pays" environment that will ensure that wireless subscribers will not incur any charges for calls received through MobileSourceSM. InfoNXX believes that MobileSourceSM, TeleMasSM and its other enhanced information services will be equally, if not more, useful and appealing to wireline customers as they are to wireless users.

8. Based on InfoNXX's experience in the wireless directory assistance market, InfoNXX believes there is strong demand for enhanced directory assistance services and anticipates that wireline directory assistance call volume will increase significantly once wireline customers have the opportunity to take advantage of the unique package of enhanced information services available through InfoNXX's competitive directory assistance service. InfoNXX intends to commit tens of millions of marketing dollars to educate consumers about the availability of its new and innovative services.

9. InfoNXX is unable to offer its enhanced information services to wireline customers without the assurance that those services will be readily accessible through an easy-to-remember number that can be marketed on a market-by-market and, ultimately, national basis. After considerable study, InfoNXX determined that the best such number would be a national 555 number that InfoNXX could roll out on a market-by-market basis. This conclusion was based on our understanding that the advertising expenditures required to develop brand awareness and stimulate demand for a new service are significant, and the value of those advertising dollars would be significantly diluted if the means through which consumers access the new service were not conducive to establishing initial brand awareness.

10. In 1994, the North American Numbering Plan Administrator (NANPA) assigned over seven thousand 555 numbers to a variety of individual entities pursuant to guidelines developed by the Alliance for Telecommunications Industry Solutions (ATIS)-sponsored Industry Number Committee (INC). *See 555 Assignment Guidelines*, INC 94-0429-002 (reissued Apr. 10, 2000); *555 Line Numbers (As Of April 23, 2002): Current 555 Number Assignments*, available at http://www.nanpa.com/number_resource_info/555_numbers.html. Through that process, InfoNXX received two 555 numbers.

11. InfoNXX has been unable to utilize its assigned 555 numbers to offer competitive directory assistance services to wireline customers because incumbent local exchange carriers (ILECs) have been unwilling to make the network modifications necessary to properly route calls to InfoNXX's 555 numbers.

12. For example, InfoNXX has been unable to obtain the cooperation of Qwest Corporation to implement InfoNXX's 555 numbers in Phoenix and Tucson, Arizona, where InfoNXX would like to offer its TeleMasSM and MobileSourceSM services to wireline customers (and where these services are already available to some wireless subscribers). On May 11, 2001, InfoNXX sent a letter to Ms. Teresa Wahlert of Qwest-Arizona describing in detail InfoNXX's desired activation of InfoNXX's 555 numbers and furnishing a copy of the INC-issued *555 Technical Service Interconnection Arrangements* setting forth the industry consensus on potential interconnection arrangements for routing assigned 555 numbers. InfoNXX did not receive a response or any indication that its request was being considered. InfoNXX then sent a follow-up letter to Mr. Joseph Nacchio, Chairman and CEO of Qwest International, Inc., on June 19, 2001. Following this letter, Qwest finally contacted InfoNXX to discuss its request in August 2001.


13. Qwest initially indicated to InfoNXX that it could not implement a 555 routing service. After InfoNXX again provided Qwest with a copy of INC's *555 Technical Service Interconnection Guidelines*, Qwest began its process of reviewing the technical standards and defining the final scope of work. Qwest notified InfoNXX verbally that it would take between six (6) and nine (9) months to implement an Advanced Intelligent Network (AIN) solution to route calls to InfoNXX's 555 numbers in the Phoenix and Tucson local calling areas, at an upfront cost of approximately \$125,000 and a per call charge of \$.05. Qwest estimated that it would cost approximately \$350,000 to further implement the service in all AIN-capable switches in the fourteen states in which Qwest provides local service.

14. After providing its initial verbal estimate, it took Qwest another four (4) months to provide to InfoNXX a formal written Scope of Work for an AIN solution for the Phoenix and Tucson Local Calling Areas. Another three (3) months later, Qwest finally provided InfoNXX with a draft contract defining Qwest's obligations to perform the Scope of Work. The draft contract essentially set forth Qwest's standard contract language and the terms of the Scope of Work that Qwest had detailed some seven (7) months earlier. The contract provided for an upfront payment by InfoNXX of \$135,000 and a charge of \$.05 for each call placed to InfoNXX's 555 number.

15. More recently, InfoNXX sent letters on December 21, 2001 to SBC, Verizon and BellSouth seeking implementation of InfoNXX's 555 numbers. In February 2002, InfoNXX spoke with representatives of Verizon and SBC, who stated that they were unwilling to take steps to implement InfoNXX's 555 numbers because of the excessive implementation costs involved and the possibility that the Commission might adopt an alternative approach to promoting directory assistance competition.

16. In addition to the LECs' intransigence in implementing 555 numbers that have been assigned for nearly eight (8) years, another issue that threatens the ability of competitive DA providers to offer their services directly to consumers is the potential for LECs to manipulate the structure of billing and collection agreements and the associated charges to prevent competitive DA providers from being able to offer their services at competitive rates. Competitive DA providers are individually too small to provide billing and collection services for themselves, and therefore must depend on LECs (or third party billing firms that impose their own fees and pass through LEC charges) for these services. Without proper oversight or guidelines, LECs could take advantage of the fact that total monthly DA charges for each individual customer are usually small in relation to the customer's total local telephone bill and structure billing and collection charges to make the provision of directory information services to LEC customers unprofitable.

I, Robert Pines, declare and affirm under penalty or perjury that the foregoing is true and correct to the best of my knowledge, information and belief.



Robert Pines

Executed this 30TH day of April, 2002.